

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10091 of 2019

Karuppasamy ... Petitioner/Sole Accused

-Vs-

state Rep.by
The Inspector of Police,
Perunali Police Station,
Ramnad District.
Crime No.53/2019 ... Respondent/Complainant

For Petitioner : M/s.S.J.Chakkaravarthy,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No. 53 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457, 380 r/w 511 of IPC, in Crime No.53 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prayed to grant anticipatory bail to the petitioner.

3.Per contra the learned Government Advocate (Criminal Side) for the respondent submitted that on 02.07.2019, the petitioner trespassed into the defacto complainant's house for committing theft. Investigation is still pending. Therefore, she opposed this petition.

4.taking into consideration of the fact that even though, the occurrence was said to have taken place on 02.07.2019 at 11.00.pm,

the respondent police registered a case only on 05.07.2019 at 16 hours. Further in the FIR, it is stated that on 02.07.2019 at 11.00.pm, when the defacto complainant and her husband were inside of the house, the petitioner removed the bolt of the door and entered into the house with a view to commit a theft. If the door is bolted from inside, how it can be opened from outside?, there is no explanation for this.

5.Taking into consideration of the aforesaid facts and also the submission made by the learned counsel for the petitioner that since the petitioner is neighbor and already some dispute is there between the petitioner and the defacto complainant's husband, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramnad District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv)the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/07/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, KAMUTHI,
RAMNAD DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PERUNALI POLICE STATION, RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.J.CHAKKARAVARTHY Advocate SR.No.11899

ORDER
IN
CRL OP (MD) No.10091 of 2019
Date :18/07/2019

MS/PN/SAR-4/25.07.2019/3P.6C



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